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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/656,631	09/04/2003	Jean-Marie Gatto	CYBSS872	8128
22430	7590	07/14/2005		
YOUNG LAW FIRM A PROFESSIONAL CORPORATION 4370 ALPINE ROAD SUITE 106 PORTOLA VALLEY, CA 94028			EXAMINER BROCKETTI, JULIE K	
			ART UNIT 3713	PAPER NUMBER

DATE MAILED: 07/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/656,631	GATTO ET AL	
	Examiner Julie K. Brockett	Art Unit 3713	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 16 May 2005.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-62 is/are pending in the application.
- 4a) Of the above claim(s) 28-61 is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-27 and 62 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All
 - b) Some *
 - c) None of:
 1. Certified copies of the priority documents have been received;
 2. Certified copies of the priority documents have been received in Application No. _____;
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>06142004, 09102004</u> .	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____

DETAILED ACTION

Election/Restrictions

Applicant's election without traverse of claims 1-27 and 62 in the reply filed on May 16, 2005 is acknowledged.

Claims 28-61 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on May 16, 2005.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-12, 17-27 and 62 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1 and 62 recite the limitation "each game played". There is insufficient antecedent basis for this limitation in the claims. Prior to this limitation, the claim does not mention any games nor any games being played. Therefore, the recitation of "each game played" does not have proper antecedent basis.

Claims 19-27 recite, "N geographically dispersed central servers" but does not give any values for N. Therefore, one could read the claims as N=0 or N=1 which makes the claims confusing. Therefore, the claims are indefinite for not providing some limitations on the value of N.

Claims 11, 12, 17, 18, 26, 27 and 62 recite "a trusted transactional cache". It is unclear as to what makes the cache "trusted". What one person may consider to be "trusted cache" may not be what another person considers to be "trusted"; therefore the claims are indefinite.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-5, 9, 11 and 12 are rejected under 35 U.S.C. 102(e) as being anticipated by Chung et al., U.S. Patent No. 6,761,636 B2. Chung discloses an online gaming system with a communication network and at least two central servers. Each server is coupled to the network (See Chung Fig. 2). At least one gaming machine is coupled to the communication network. Each

gaming machine is configured to carry out a game transaction for each game played and to commit each game transaction to the at least two central servers (See Chung Fig. 2; col. 1 lines 39-52; col. 7 lines 15-20) [claims 1]. The Examiner notes that the servers are clustered meaning that each server includes the information of the other servers and if one server fails, the other server can take over (See McGehee "An Introduction to SQL Server Clustering"). Each of the at least two central servers returns a game transaction commit acknowledgement to the at least one gaming machine (See Chung col. 14 lines 25-67) [claims 2, 21]. The gaming machine acknowledges to a player a validity of the game transaction upon receipt of at least one game transaction commit acknowledgment during a timeout period following the commit of the game transaction to each of the central servers (See Chung col. 2 lines 4-30) [claims 3, 22]. Each game transaction committed to each of the at least two central servers have an identical inbound game payload comprising at least one of a gaming machine ID, a user/player ID, a transaction GUID, a gaming machine originating/return address, a game ID, a game bet, and an amount wagered (See Chung col. 9 lines 30-48) [claims 4, 23]. The at least one gaming machine is configured to be an active participant in a fault tolerance of the online gaming system (See Chung Fig. 2) [claim 5]. The at least two central servers and the at least one gaming machine are configured to support instant-draw and deferred-draw of random events (See Chung col. 13 lines 30-47) [claims 9, 16, 25]. It is inherent to the system of Chung that each of the at least two

central servers comprises a trusted transactional cache. The trusted transactional cache is configured to process each committed game transaction, and to provide real time persistent storage and logging of aspects of each committed game transaction (See Chung col. 1 lines 39-67; col. 2 lines 1-67) [claims 11, 12, 17, 18, 26, 27].

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 8, 10 and 13-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chung et al., U.S. Patent No. 6,761,636 B2. Chung discloses an online gaming system with a communication network and at least two central servers. Each server is coupled to the network (See Chung Fig. 2). At least two gaming machines are coupled to the communication network. Each gaming machine is configured to carry out a game transaction for each game played and to carry out load balancing when committing each game transaction to the at least two central servers over the communication network (See Chung Fig. 2; col. 1 lines 39-52; col. 7 lines 15-20) [claims 13, 19]. The load balancing includes having each gaming machine select only one of the

central servers to which to commit the game transaction. Chung lacks in disclosing using UDP protocol. At the time the invention was made, it would have been an obvious matter of design choice to a person of ordinary skill in the art to use UDP protocol because Applicant has not disclosed that UDP provides an advantage, is used for a particular purpose or solves a stated problem. One of ordinary skill in the art, furthermore, would have expected Chung's system to perform equally well with either the protocol taught by Chung or UDP because both protocols perform the same function. Therefore, it would have been *prima facie* obvious to modify Chung to obtain the invention as specified in the claims because such a modification would have been considered a mere design consideration which fails to patentably distinguish over the prior art of Chung [claims 8, 15, 24]. Chung lacks in specifically disclosing that the two central servers are geographically remote from one another. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have the two central servers geographically remote from one another [claims 10, 13]. By having the servers be remote, if there is a failure of one server in one geographically area, it is likely that there is not another failure in the other geographical area and therefore the game system can still be operation. It is common sense to separate servers geographically in case something happens in one geographic location, which makes that server fail.

Claims 6, 7 and 62 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chung et al., in view of Lomet, U.S. Patent No.

6,182,086 B1. Chung discloses an on-line gaming system comprising a communication network (See Chung Fig. 2). Two central servers are coupled to the communications network (See Chung Fig. 2). At least one gaming machine is coupled to the communication network. The gaming machines are configured to carry out a game transaction for each game played and to commit each game transaction to each of the two central servers (See Chung Fig. 2; col. 7 lines 13-19; col. 8 lines 51-67). It is inherent to the two central servers that they included a trusted transactional cache where the trusted transactional cache is configured to process each committed game transaction (See Chung Fig. 2) [claim 62]. Chung et al. lacks in disclosing using a log for rebuilding one of the servers if there is a failure. Lomet et al. teaches of a system in which a synchronization log is constructed for rebuilding one or a plurality of at least two central servers upon failure thereof (See Lomet col. 15 lines 60-67; col. 16 lines 1-12) [claims 6, 62]. The system is configured to be rapidly synchronized by using the synchronization log upon returning to its operational state subsequent to failing to communicate with at least one machine (See Lomet col. 15 lines 60-67; col. 16 lines 1-12) [claims 7, 62]. It would have been obvious to one of ordinary skill in the art at the time the invention was made to one of ordinary skill in the art at the time the invention was made to use a synchronization log in the invention of Chung so that when a failure occurs at

the server, the gaming information has been stored in the log and once the server is functioning again, the game can resume from the failure point by referencing the log file. This is a common practice in the art to create and store log files in the event of a failure so as to be able to go back to the state at which the failure occurred.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Julie K. Brockett whose telephone number is 571-272-4432. The examiner can normally be reached on M-Th 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Xuan Thai can be reached on 571-272-7147. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Julie K Brockett
Primary Examiner
Art Unit 3713